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Notice of Allowability

Application No.

09/710,815

Examiner

Steven J. Ganey

Applicant(s)

EBNER, EDWIN D.

Art Unit

3752

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed April 11, 2006.
2. ☒ The allowed claim(s) is/are 28 and 31-53.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

In the claims:

Claim 31, the numeral "29" has been changed to --28--.

The above change was done to correct a typographical error and to provide proper claim dependency.

2. The following is an examiner's statement of reasons for allowance of claims 36-44: The prior art did not teach or suggest a fire extinguishing system as claimed by the applicant, specifically a fire extinguishing system comprising a frame, a blower coupled to the frame, the blower comprising an engine adapted to generate exhaust and an outlet hose adapted to conduct the airstream, a valve comprising an exhaust input leg in communication with and adapted to receive exhaust from the engine, a first exhaust output leg, a second exhaust output leg and a valve member adapted to selectively control exhaust flow from the exhaust input leg to the first exhaust output leg and the second exhaust output leg and wherein the outlet hose is in communication with and adapted to receive exhaust from the second exhaust output leg and facilitates combination of the exhaust output from the engine and the airstream from the blower, together in combination with the other claimed features of applicant's invention.

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3. The following is an examiner's statement of reasons for allowance of claims 45-49: The prior art did not teach or suggest a method of extinguishing a fire as claimed by the applicant, specifically a method comprising the steps of selectively directing at least a portion of the exhaust through an exhaust output leg of a valve housing having at least two exhaust output legs, delivering the exhaust into the outlet hose, combining the airstream and the exhaust in the outlet hose and propelling the combined airstream and exhaust through the outlet hose, together in combination with the other claimed method step features of applicant's invention.

4. The following is an examiner's statement of reasons for allowance of claims 50-53: The prior art did not teach or suggest a method of extinguishing a fire as claimed by the applicant, specifically a method comprising the steps of selectively directing at least a portion of the exhaust through an exhaust output leg of a valve housing having at least two exhaust output legs, directing the exhaust to atmosphere, and propelling the airstream through the outlet hose, together in combination with the other claimed method step features of applicant's invention.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

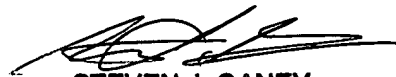
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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven J. Ganey whose telephone number is (571) 272-4899. The examiner can normally be reached on Monday, Tuesday, Wednesday, and Thursday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Scherbel, can be reached on (571) 272-4919. The fax phone number for this Group is (571) 273-8300.

sjg

4/17/06



STEVEN J. GANEY
PRIMARY EXAMINER

4/17/06